

(R-2001-1134)

RESOLUTION NUMBER 294568

ADOPTED ON FEB 20 2001

WHEREAS, on November 3, 1998, the electorate of the City of San Diego (the "City") approved Ordinance No. O-18613 (the "Ordinance") which authorized the City and the Redevelopment Agency of The City of San Diego (the "Agency") to enter into a Memorandum of Understanding Concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project (the "MOU"), within the Centre City East (East Village) Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and the MOU constitute the legislative acts establishing policy for the City on those matters, and provided for the ways and means for the implementation of that policy by such administrative and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of the Ordinance; and

WHEREAS, the MOU has been executed by all parties thereto; and

WHEREAS, the City and Agency have certified the Final Subsequent Environmental Impact Report (the "FSEIR") pursuant to the California Environmental Quality Act and adopted Findings of Fact and Statement of Overriding Considerations in connection with that certification; and

WHEREAS, it is now fitting to consider such actions as may be necessary and appropriate to implement the purpose and intent of the Ordinance and MOU, consistent with both

the City's and Agency's obligations under state law, and the discretion lawfully vested in the City Council acting on behalf of the City and Agency; and

WHEREAS, on December 14, 1999, by Resolution No. R-292615 the Council of The City of San Diego, authorized the City Manager to execute, for and on behalf of the City, a phase funded Design and Construction Management Agreement (“Agreement”) with Sverdrup Civil, Inc., for the East Village Redevelopment Infrastructure Project (Project), under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR-292615; and

WHEREAS, the Council has to date authorized expenditures of \$6,390,000 for Phase 1 of the contract, \$3,800,000 for Phase 2 of the contract, and \$700,000 for Phase 3; and

WHEREAS, concurrent with this action, the Council is also considering an action to fund Phase 4A of the Project, to include installation of water and storm drain mains, rough grading for Park Boulevard and Frontage Road, and other design and construction work; and

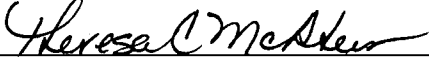
WHEREAS, it is now appropriate and necessary to implement Phase 4B of the Project, also known as the Centre City Sewer Improvements - Phase II, which will install approximately 1800 feet of 12 inch sewer mains, including a 400 foot tunnel under the rail tracks at Harbor Drive and Park Boulevard, NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a Fourth Amendment to the Agreement with Sverdrup Civil, for Phase II of Centre City Sewer Improvements, in the amount of \$1,308,100, provided that the City Auditor and Comptroller first

furnishes a certificate demonstrating that funds are or will be available in the City Treasury, solely and exclusively for the purpose of providing funds for the above Project.

BE IT FURTHER RESOLVED, that the appropriation and expenditure of an amount not to exceed \$1,440,600 from Fund 41506, CIP 40-927.0, Centre City Improvements of which \$1,308,100 will fund the Fourth Amendment to the Agreement, with \$132,500 funding project related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that funds are or will be available in the City Treasury, solely and exclusively for the purpose of providing funds for the above Project.

APPROVED: CASEY GWINN, City Attorney

By 
Theresa C. McAteer
Deputy City Attorney

Fourth Amendment to the Agreement between the City of San Diego and Sverdrup Civil is on file at the City Clerk's office as Document Number RR-294568.

TCM:lb
02/06/01
Aud.Cert:
Or.Dept:E&CP
R-2001-1134

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 773
AC 2100849

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount 132,500.00 Fund 41506

Purpose Authorizing the expenditure of funds for project related costs for Centre City Sewer Improvements Phase II.

Date February 5, 2001 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	41506	773	960	4278	175771				\$132,500.00
TOTAL AMOUNT										

FUND OVERRIDE


CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 1,308,100.00

Vendor Sverdrup Civil, Inc.

Purpose Amending the DCM Contract for the second phase of sewer improvements in the Centre City area of downtown.

Date February 5, 2001 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
02	0	41506	773	960	4278	175778				\$1,308,100.00
TOTAL AMOUNT										\$1,440,600.00

FUND OVERRIDE